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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,375	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.745	5136
25883	7590	05/16/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,375

Applicant(s)

PHILYAW ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 and 8-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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0DETAILED ACTION

1. This Office Action is in response to the communication received on 24 January 2005.
2. Claims 9-17 are new.
3. Claims 1-6, 8-17 are presented for examination.

Response to Arguments

4. Applicant's arguments and amendments filed on 24 January 2005 have been fully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment in claim 1 and the new claims added to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-6, 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hudetz et al.** US patent no. **6,199,048 B1** in view of **Call** US patent no. **5,913,210** and further in view of **Gifford** U.S patent #: **5,812,776**.

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7. As to claim 1, Hudetz, System And Method For Automatic Access Of Remote Computer Over A Network, discloses a method for providing an interconnection relationship between a product that has disposed thereon a machine readable product code on the product, and a desired location (*a desired resource*) on a global communications network (*Fig. 1, internet 20*), the machine readable product code having encoded product code information contained therein, the product code information having no routing information embedded therein which would allow the product code information, in or of itself, to cause routing to the desired location over any path on the network, comprising the steps of

reading the machine-readable code at a user location on the network (*Hudetz, col. 10, lines 58-67; col. 11, lines 1-67; col. 12, lines 1-23*);

in response to the step of reading the machine readable product code, and without user intervention, of a user at the user location on the network, extracting the product code information from the machine readable product code (*Hudetz, col. 9, line 55 - col. 12, line 23*); However, Hudetz does not explicitly disclose assembling a message packet containing the product code information. Thus, the artisan would have been motivated to look to the related internetworking art for potential methods and systems for implementing assembling a message packet containing the product code information;

In the same field of endeavor, Call, a related Methods And Apparatus For Disseminating Product Information Via The Internet, discloses in the internetworking art, "*Thus, information uniquely formatted to best advantage by the manufacturer could be*

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made available by accessing a single URL, having the same form for all products, formed by combining the IP-address obtained from the standard by concatenating a prefix and suffix. The suffix has the form: "upcinfo/1234567890 1234/info.html" where the numerical part is the universal product code directory name, and where the suffix is appended to the at the end of the prefix of the form: "http://123/123/40/198" consisting of protocol identifier "http://" and by the 32-bit IP address from the product code translator written in its standard four decimal number format (four three digit numbers separated by periods, each of which is a value in the range 0-255 representing the binary value of one of the four 8-bit bytes making up the 32-bit IP address) (Call, col. 8, line 66 – col. 9, line 19).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Call's teachings of the concatenating a message containing the product code information (Call, col. 8, line 66 – col. 9, line 19) with the teachings of Hudetz, for the purpose of *providing limited product description information for each product offered to enable more efficient indexing, cataloging, inventory control, and other applications* (Call, col. 10, lines 1-5).

Call discloses transmitting the message packet to an intermediate code on the network having associated therewith a database which has stored therein relationships between the product code information and routing information for at least one desired location on the network (Call, *the Product Code Translator as an Internet Resource*, storing cross-references between universal product codes identifying specific products,

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and Internet addresses specifying the locations at which information about these products may be obtained (Call, col. 1, line 32 – col. 2, line 4; col. 2, lines 33-60).

However, Hudetz-Call does not explicitly disclose in accordance with the stored relationships in the database, converting the received product code information to routing information over the network to the at least one desired location associated therewith in the database, which routing information, associated with an instructional code, is returned to the user location and defines the manner by which a user or a computer at a user location wherein the machine readable code was read can communicate with the at least one desired location via an interconnection therewith. Thus, the artisan would have been motivated to look to the related internetworking art for potential methods and systems for implementing converting the received product code information to routing information over the network to the at least one desired location associated therewith in the database, which routing information, associated with an instructional code, is returned to the user location and defines the manner by which a user or a computer at a user location wherein the machine readable code was read can communicate with the at least one desired location via an interconnection therewith.

In the same field of endeavor, Gifford, a related Method Of Providing Internet Pages By Mapping Telephone Number Provided By Client To URL And Returning The Same In A Redirect Command By Server, discloses in the internetworking art, converting the received product code information to routing information over the network to the at least one desired location associated therewith in the database (*the directory*

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server 602 uses the database 604 to translate the NUMBER to a target URL, (col. 7, line 66 – col. 8, line 3)), which routing information, associated with an instructional code (REDIRECT), is returned to the user location and defines the manner by which a user or a computer at a user location wherein the machine readable code was read can communicate with the at least one desired location via an interconnection therewith (Gifford, In message 2, the Directory 602 sends a REDIRECT to client 601, specifying the target URL for NUMBER as computed from the database 604, (col. 8, lines 13-20))

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Gifford's teachings of the tracking a user's access history within a client sever session (*Gifford, col. 7, lines 1-23*). with the teachings of Hudetz-Call, for the purpose of *identifying the most popular links to a specific page and to suggest where to insert new links to provide more direct access (Gifford, col. 7, lines 1-23)*. Gifford also suggests that *the access history is evaluated to determine traversed links leading to a purchase of a product made within commercial pages. This information may be used, for example, to charge for advertising based on the number of link traversals from an advertising page to a product page or based on the count of purchases resulting from a path including the advertisement (Gifford, col. 7, lines 1-23)*.

Gifford discloses receiving at the user location from the intermediate node on the network the routing information and associated instructional code that instructs the user node to connect to the at least one desired location on the network (*Gifford, the server*

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602 might have returned a Web page to the client to provide an appropriate link to the required document, (col. 8, lines 13-20)); and

Gifford discloses connecting the user location to the desired location in accordance with the received instructional code such that connection to the desired location is connected by the intermediate code through the instructional code, *wherein all connections to desired locations are controlled only by the intermediate node and not by any actions at the user location other than operation of reading, and wherein actions at the user location do not prevent connection or affect connection to the desired location (Gifford, because server 602 makes a translation to a final URL and sends a REDIRECT rather than a page to the client 601, the document of the message 4 is obtained without any user action beyond the initial input, (col. 8, lines 13-20)).*

8. As to claim 2, Hudetz-Call-Gifford discloses the product code comprises a UPC (*Hudetz, Abstract, col. 6, lines 7-45; Call, Abstract*).

9. As to claim 3, Hudetz-Call-Gifford discloses the product code comprises an ISBN (*Hudetz, Abstract, col. 6, lines 7-45; Call, col. 7, lines 49-61*).

10. As to claim 4, Hudetz-Call-Gifford discloses the product code comprises an EAN (*Hudetz, Abstract, col. 6, lines 7-45; Call, col. 3, lines 1-7*).

11. As to claim 5, Hudetz-Call-Gifford discloses the routing information comprises a universal resource locator (URL) that comprises a unique locator on the network to the at least one desired location (*Hudetz, col. 5, lines 55-67; col. 6, lines 1-6; Gifford, Fig. 6*).

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12. As to claim 6, Hudetz-Call-Gifford discloses wherein the step of converting comprises:

providing the database (*Call, Fig. 2; Gifford, Fig. 6, database 604*) having stored therein an associative table which relates a plurality of product code information with associated desired locations on the network, each of the product code information having routing information to that associated desired location associated therewith (*Gifford, col. 7, line 66 – col. 8, line 39*); and

comparing the extracted product code information with the associative table in the database to determine the routing information to the at least one desired location (*Call, Fig. 2; Gifford, Fig. 2A; col. 4, lines 50-61; Fig. 6; col. 7, line 66 – col. 8, line 39*).

13. As to claim 8, Hudetz-Call-Gifford discloses the step of reading comprises scanning of the machine-readable code (*Hudetz, Fig. 8, item 236*) with a bar code scanner (*Hudetz, Fig. 8, item 220*) and wherein the machine-readable code comprises a bar code (*Hudetz, Fig. 8, item 236*).

14. As to claim 9, Hudetz-Call-Gifford discloses, decoding the machine readable code to extract the product code information therefrom (*Hudetz, col. 9, line 55 - col. 12, line 23*).

15. As to claim 10, Hudetz-Call-Gifford discloses, wherein the machine readable product code comprises

a bar code having the product code information encoded therein in a plurality of lines of varying width, each associated with machine readable codes; and the step of decoding is operable to extract the machine readable code from the lines during the

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step of reading, which step of reading comprises scanning the bar code with an optical bar code scanner (*Hudetz, col. 9, line 55 - col. 12, line 23*).

16. As to claim 11, Hudetz-Call-Gifford discloses; wherein the step of assembling the message packet comprises forming a data transmission that is comprised of a first field having associated: therewith source information as to the location on the network of the user location, as second field having associated therewith destination information as to the location of the intermediate node on the network and a third and data field having associated therewith the product code information (*Call, col. 8, line 66 – col. 9, line 19*).

17. Claim 12 is similar limitations of claim 1; therefore, it is rejected under the same rationale as in claim 1.

18. Claim 13 is similar limitations of claim 1; therefore, it is rejected under the same rationale as in claim 1

19. Claim 14 is similar limitations of claim 11; therefore, it is rejected under the same rationale as in claim 11

20. Claims 15-17 are similar limitations of claims 8-10; therefore, they are rejected under the same rationale as in claims 8-10.

21. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

Response to Arguments

22. Applicant's arguments and amendments filed on 24 January 2005 have been fully considered but they are not deemed fully persuasive.

23. In the remark, Applicant argued in substance that

Point (A), the prior art does not disclose wherein the intermediate node or server is in any way designed to control the computer requesting the information in claims 1, 12, 13 on page ⁹~~14~~.

As to point A, Gifford, discloses the server 602 in Fig. 6 that controls the client's computer 601 requesting the information (See, Gifford, Fig. 6, col. 7, line 61 – col. 8, line 52).

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hay V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
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**KAMINI SHAH
PRIMARY EXAMINER**